**THE HONOURABLE SRI JUSTICE ELIPE. DHARMA RAO**

**W.P. NO. 17346 OF 2005**

**Dated: 12..08..2005.**

**BETWEEN:**

Ch. Nageshwar Rao, S/o. Late Ch. Venkat Ramaiah,

Aged 54 years, Occ: Business, R/o. APHB Shop No.19,

Barkatpura, Hyderabad and 15 others

…Petitioners

and

A.P. Housing Board, rep.by its

Vice Chairman & Housing Commissioner,

Gruhakalpa, M.J. Road, Hyderabad and another

… Respondents

**THE HONOURABLE SRI JUSTICE ELIPE. DHARMA RAO**

**C.R.P. NO. 17346 OF 2005**

**ORDER:**

This writ petition is filed challenging the action of the First respondent in issuing the impugned notice dated
13-07-2005, seeking to evict the petitioners from the A.P. Housing Board Shops 1 to 20 situated at Barkatpura, Hyderabad as illegal and arbitrary.

The case of the petitioners is that they have been allotted shops at Barkatpura, Hyderabad on rental basis under rental deed dated 19-12-1976. The respondents are collecting the rents regularly from them. On 13-11-2004, when the petitioners attended the meeting, the respondents informed them that the A.P. Housing Board has taken a decision to sell the shops allotted to them to the existing tenants and

that it should be purchased at the prices fixed by the respondents. The petitioners requested the respondents to continue them on the same terms and conditions. In spite of their request, the 1st respondent issued impugned notice directing them to vacate the shops within one month. Out of the said notice, the petitioners approached the respondents not to evict them from the scheduled shops. But the respondents refused their request. On 30-07-2005, the officials of the respondents visited the shops of the petitioners and insisted them to vacate the shops despite the time given in the notice has not lapsed. Hence the present writ petition.

As seen from the record, it is evident that the petitioners were allotted the shops in question under a rental deed and the respondents were collecting the rents from them. It is also seen that the respondents informed the petitioners to purchase the shops at the price fixed by the respondents. When the petitioners did not come forward to purchase the shops, the impugned notice came to light, directing them to vacate the shops within one month. In the above circumstances, I deem it appropriate to direct the respondents not to evict the petitioners from the shops without following the due process of law.

Accordingly, the writ petition is disposed of directing the respondents not to dispossess the petitioners from the shops in question without following the due process of law.

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E. DHARMA RAO, J.

Dated: 12-08-2005

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